

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION  
**FILED** SEP 27 2006  
OCT - 3 2006  
RICHARD W. WIEKING FILED  
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NORTHERN DISTRICT OF CALIFORNIA  
**DOCKET NO. 1797**  
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**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**IN RE BEST-OF-CHINA.COM, INC., CONTRACT LITIGATION**

*Ralph I. Miller, et al. v. International Business Machines Corp., et al.*, N.D. California,  
C.A. No. 3:02-2118 *MJ*

*Ralph I. Miller, etc. v. IBM World Trade Corp., et al.*, S.D. New York,  
C.A. No. 1:06-4452

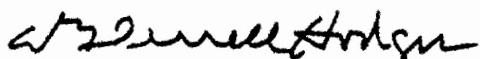
**ORDER DEEMING MOTION MOOT  
AND VACATING THE SEPTEMBER 28, 2006, HEARING SESSION**

Before the Panel is a motion by IBM World Trade Corp. seeking centralization of the two listed actions, pursuant to 28 U.S.C. § 1407, in the Northern District of California for coordinated or consolidated pretrial proceedings. The Panel has now been advised that summary judgment was granted in defendant's favor in the Northern District of California action in an order signed by the Honorable Martin J. Jenkins on September 26, 2006, thus depriving this litigation of its multidistrict character.

IT IS THEREFORE ORDERED that the motion of IBM World Trade Corp. for transfer under 28 U.S.C. § 1407 is DEEMED MOOT.

IT IS FURTHER ORDERED that the Hearing Session Order and the attached Schedule filed on August 10, 2006, are VACATED insofar as they relate to this litigation.

FOR THE PANEL:



Wm. Terrell Hodges  
Chairman

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